

DATE

Phillip R. Jackson, CTE
Administrator
Caddo-Shreveport Sales and Use Tax Commission
P.O. Box 104
Shreveport, Louisiana 71161

Re: **Docket No. 2022-095**
Advisory Opinion

Dear Mr. Jackson,

The Louisiana Board of Ethics, at its meeting on April 8, 2022, considered your request for an advisory opinion as to whether the Code of Governmental Ethics (“Code”) would present any issues while serving as a member of your local Homeowner’s Association Board of Directors.

FACTS PROVIDED

You are employed as the Administrator/Director of the Caddo-Shreveport Sales and Use Tax Commission (“Tax Commission”). As part of your job duties, you are responsible for the collection and disbursement of all sales and use taxes generated in Caddo Parish. The Tax Commission is also responsible for compliance in the area of sales and use taxes, which includes the performance of tax audits. The tax audits are overseen by an Audit Manager, who submits the results to you for approval.

You were recently elected as a board member for your local Homeowner’s Association (“HOA”). You receive no compensation from the HOA. You stated that the HOA is subject to a possible audit from the Tax Commission to ensure the remitting of proper use taxes. The audit process is not automatic and would require the reporting of a compliance issue.

LAW

La. R.S. 42:1111E(1) provides that no public servant shall receive or agree to receive any thing of economic value for assisting a person in a transaction, or in an appearance in connection with a transaction, with the agency of such public servant.

La. R.S. 42:1102(4) defines “assist” to mean to act in such a way as to help, advise, furnish information to, or aid a person with the intent to assist such person.

La. R.S. 42:1112B(3) prohibits a public servant from participating in a transaction involving the governmental entity in which, to his actual knowledge, any person, of which he is an officer, director, trustee, partner, or employee, has a substantial economic interest.

La. R.S. 42:1102(21) defines “substantial economic interest” to mean an economic interest which is of greater benefit to the public servant or other person than to a general class or group of persons.

CONCLUSION

The Board concluded, and instructed me to inform you, that in the event the HOA becomes subject to an audit by the Tax Commission, R.S. 42:1111E(1) will prohibit you from assisting the HOA, for compensation, with the audit.

The Board further concluded, and instructed me to inform you, that in the event the HOA becomes subject to an audit by the Tax Commission, R.S. 42:1112B(3) will prohibit you from participating in the audit involving the HOA in your capacity as the Administrator/Director for the Tax Commission, since the HOA would have a substantial economic interest in the audit.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. The Board issues no opinion as to past conduct and or to laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions contained in the Louisiana Gaming Control Law.

If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

David M. Bordelon
For the Board

DISCLAIMER
This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics. No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.